56 a/989

Circular 56a

Copyright Registration of Musical Compositions and Sound Recordings

This circular explains the difference, for copyright purposes, between **MUSICAL COMPOSITIONS** and **SOUND RECORDINGS**.

A **Musical Composition** consists of music, including any accompanying words, and is normally registered in Class PA. The author of a musical composition is generally the composer, and the lyricist, if any. A musical composition may be in the form of a notated copy (for example, sheet music) **or** in the form of a phonorecord (for example, cassette tape, LP, or CD). Sending a musical composition in the form of a phonorecord does **not** necessarily mean that there is a claim to copyright in the sound recording. See examples 1 and 2 on the chart.

A **Sound Recording** results from the fixation of a series of musical, spoken, or other sounds, and is always registered in Class SR. The author of a sound recording is the performer(s) whose performance is fixed, or the record producer who processes the sounds and fixes them in the final recording, or both.

Copyright in a sound recording is not the same as, or a substitute for, copyright in the underlying musical composition. See example 3 on the chart.

REGISTRATION OF A MUSICAL COMPOSITION AND A SOUND RECORDING WITH A SINGLE APPLICATION

Although they are separate works, a musical composition and a sound recording may be registered together on a single application providing ownership of the copyrights in both is exactly the same. See example 4 on the chart. To register a single claim in both works, complete Form SR; give information about the author(s) of both the musical composition and the sound recording.

NOTE: Phonorecords (tapes, cassette tapes, cartridges, disks) are not sound recordings.

Phonorecords are physical objects in which various kinds of works can be fixed—the works themselves may be musical compositions, literary works, dramatic works, or sound recordings. Before registering a claim to copyright, you must analyze your work to determine which classification of work it is.

USE THE CHART TO HELP CHOOSE THE APPROPRIATE FORM FOR COPYRIGHT REGISTRATION

How the work was created; what is being registered:	Form to use:	How to describe the authorship in space 2, "Nature of Authorship":*	What should be deposited:	
			Published in the United States**	Unpublished
1. Composer/author creates a song, wishes to claim copyright in the song	PA	Music and Words	2 complete copies of the "best edition" if published in a notated copy; 1 phonorecord of the "best edition" if published only on a phonorecord (disk, tape, cassette, etc.)	1 complete copy (lead sheet, etc.) or phonorecord (disk, tape, cassette, etc.)
2. Composer/author creates musical composition, wishes to claim copyright in the musical composition	PA	Music	2 complete copies of the "best edition" if published in a notated copy; 1 phonorecord of the "best edition" if published only on a phonorecord (disk, tape, cassette, etc.)	1 complete copy (lead sheet, etc.) or phonorecord (usually disk, tape, cassette, etc.)
3. Performer(s) (for example, vocalist and band) perform and record musical work; wish to claim copyright in the recorded performance only	SR	Performance and Sound Recording	2 complete phonorecords of "best edition"	1 complete phonorecord
4. Composer/author/performer creates music and performs it, recording the performance; wishes to claim copyright both in the music and the recording	SR	Music and Performance OR Music, Words, Performance	2 complete phonorecords of "best edition"	1 complete phonorecord

NOTE: To make a single registration, copyright ownership in the recorded work and in the sound recording must be the same.

* DO NOT LEAVE SPACE 2 BLANK. DO NOT USE "entire work" to describe "Nature of Authorship."

**For foreign publications, 1 copy or phonorecord of the first published edition.

LC 3.4/2:

REGISTRATION PROCEDURES

To register your work, send the following material **in the same envelope or package** to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559:

1. A properly completed application form;
2. A nonreturnable deposit(s) of the work to be registered; and
3. A nonrefundable filing fee of $10 for each application.

EFFECTIVE DATE OF REGISTRATION

Please note that a ***copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form,*** regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received and the personnel available to handle it.

If you are filing an application for copyright registration in the Copyright Office, you ***will not*** receive an acknowledgement that your application has been received (the Office receives more than 650,000 applications annually), but you can expect:

- A letter or telephone call from a copyright examiner if further information is needed;
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why registration has been refused.

You may not receive either of these until 120 days have passed.

If you want to know when the Copyright Office receives your material, you should mail it registered or certified and request a return receipt.

FOR MORE INFORMATION

For more information, write or call the Copyright Office and request: Circular 50, "Copyright Registration for Musical Compositions" (which includes information on Form PA) and/or Circular 56, "Copyright for Sound Recordings" (which includes information on Form SR).

Additional questions about copyright problems involving musical compositions or sound recordings may be addressed to the Copyright Office, LM 455, Library of Congress, Washington, D.C. 20559. To speak with a Copyright Information Specialist, call (202) 479-0700.

FORMS AND CIRCULARS HOTLINE

NOTE: Requesters may order application forms and circulars at any time by telephoning (202) 707-9100. Orders will be recorded automatically and filled as quickly as possible.

Copyright Office • Library of Congress • Washington, D.C. 20559

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